

Notice of Allowability

Application No.

09/931,590

Examiner

SAHERA HALIM

Applicant(s)

NEWNAM ET AL.

Art Unit

2457

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/27/09.
2. ☒ The allowed claim(s) is/are 1-3,5-7,9,10,12-17,19,28-37 and 42-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7/27/09
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20090929
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457

EXAMINER'S AMENDMENT

1. Claims 1-3, 5-7, 9-10, 12-17, 19, 28-37, 42-44, and 46-49 have been allowed.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Josephine E. Chang (Reg. # 46,083) on September 29, 2009.

3. The application has been amended as follows:

1. (Currently Amended) A method for enhancing a broadcast event for a plurality of remote viewers each having a client device including a local storage device and a personal interactivity recorder (PIR) for storing and playing back interactive content along with playback of the broadcast event, the method comprising:

each local storage device receiving and storing the broadcast event in a first data store as the broadcast event is being broadcast via a broadcast event signal to the plurality of remote viewers during a first time period;

each PIR coupled to the local storage device receiving one or more trigger messages from a server system separately from the broadcast of the broadcast event and not embedded in the broadcast event signal, the trigger messages identifying interactive content for display by the client devices during a first time period in response to the one or more trigger messages, the interactive content being related to the broadcast event;

Art Unit: 2457

each PIR associating the trigger messages received from the server system to the broadcast event and storing the associated trigger messages in a second data store of the corresponding client device; and

during playback of the stored broadcast event by a particular one of the client devices during a second time period, retrieving the stored broadcast event from the first data store and the stored trigger messages from the second data store for providing to the user the interactive content identified by the retrieved trigger messages at one or more times during the retrieved broadcast event when the interactive content would have been displayed when the broadcast event was being broadcast during the first time period, wherein the interactive content includes trivia questions, the PIR stores a correct answer, and responsive to an answer received from a user during playback, the PIR provides to the user an indication of a correct or incorrect answer.

2. (Previously Presented) The method of claim 1, wherein the local storage device includes fast forward, rewind, and pause functions.

3. (Previously Presented) The method of claim 1, wherein the associating includes associating information about the broadcast event to the trigger messages, the information being selected from a group consisting of absolute time codes, relative time codes, and frame sequence numbers.

4. (Cancelled)

5. (Currently Amended) ~~The method of claim 1~~ A method for enhancing a broadcast event for a plurality of remote viewers each having a client device including a local storage device and a personal interactivity recorder (PIR) for storing and playing back interactive content along with playback of the broadcast event, the method comprising:

Art Unit: 2457

each local storage device receiving and storing the broadcast event in a first data store as the broadcast event is being broadcast via a broadcast event signal to the plurality of remote viewers during a first time period;

each PIR coupled to the local storage device receiving one or more trigger messages from a server system separately from the broadcast of the broadcast event and not embedded in the broadcast event signal, the trigger messages identifying interactive content for display by the client devices during a first time period in response to the one or more trigger messages, the interactive content being related to the broadcast event;

each PIR associating the trigger messages received from the server system to the broadcast event and storing the associated trigger messages in a second data store of the corresponding client device; and

during playback of the stored broadcast event by a particular one of the client devices during a second time period, retrieving the stored broadcast event from the first data store and the stored trigger messages from the second data store for providing to the user the interactive content identified by the retrieved trigger messages at one or more times during the retrieved broadcast event when the interactive content would have been displayed when the broadcast event was being broadcast during the first time period, wherein the interactive content includes poll questions, the PIR stores poll results, and responsive to a response to one of the the poll questions received from a user, the PIR provides the poll results after receiving the response to the poll question from the user.

6. (Previously Presented) The method of claim 1, wherein the first data store and the second data store reside in a same storage medium.

7. (Original) The method of claim 1, wherein the PIR uses the processing and storing functionality of the local storage device.

8. (Cancelled)

9. (Original) The method of claim 1, wherein the local storage device includes a hard drive.

10. (Previously Presented) The method of claim 1, wherein the PIR stores messages sent by other viewers using a chat functionality during the broadcast event and received over a separate channel from the broadcast and therefore not embedded in the broadcast signal, the messages being displayed during play back at the time during the broadcast event when the messages were displayed.

11. (Cancelled)

12. (Previously Presented) The method of claim 1, wherein the PIR includes processing and storage separate from the local storage device.

13. (Currently Amended) A system for use with a local storage device at a remote viewer location for storing and playing back interactive content along with playback of a broadcast event, the system including:

a data store;

a personal interactivity recorder (PIR) at the remote viewer location, the PIR being configured to receive one or more trigger messages from a server separately from a broadcast of a broadcast event and not embedded in a broadcast signal broadcasting the broadcast event, the trigger messages identifying interactive content for display by the client devices during a first time period in response to the one or more trigger messages, the interactive content being related to the broadcast event, the PIR associating the received trigger messages to the broadcast event and storing the associated trigger message in the data store, wherein when the broadcast event is played back from storage, the PIR retrieves the stored trigger messages from the data store and provides the interactive content identified by the retrieved trigger messages during times within the stored broadcast event when the interactive content would have been displayed when the broadcast event was broadcast, and wherein the interactive content includes poll

Art Unit: 2457

questions, the PIR is configured to store poll results, and responsive to a response to one of the poll questions received from a user, the PIR is configured to provide the poll results after receiving the response to the poll question from the user.

14. (Previously Presented) The system of claim 13, wherein the local storage device includes fast forward, rewind, and pause functions.

15. (Previously Presented) The system of claim 13, wherein the associating includes associating information about the broadcast event to the trigger messages, the information being selected from a group consisting of absolute time codes, relative time codes, and frame sequence numbers.

16. (Previously Presented) The system of claim 13, wherein the interactive content includes trivia questions, and the PIR stores the questions and answers provided during the broadcast.

17. (Original) The system of claim 16, wherein the PIR provides to the user an indication of a correct or incorrect answer after the user enters an answer to the trivia question.

18. (Cancelled)

19. (Previously Presented) The system of claim 13, wherein the data store storing the interactive content resides in a same storage medium as a data store storing the broadcast event.

20-27. (Cancelled)

Art Unit: 2457

28. (Previously Presented) The method of claim 1, wherein the interactive content provided during the first and second time periods is not targeted interactive content that is based on individualized viewer profile information.

29. (Previously Presented) The system of claim 13, wherein the interactive content provided by the PIR and at the broadcast time of the broadcast event is not targeted interactive content that is based on individualized viewer profile information.

30. (Currently Amended) An interactive television system for storing and playing back an enhanced video program, the system including:

a broadcast device for broadcasting a video program during a first time period, the video program being associated with interactive data for displaying interactive content during the first time period; and

a plurality of client devices at a plurality of end-user locations, each of the plurality of client devices coupled to the broadcast device over a data communications network and receiving the broadcast video program via a broadcast signal, the plurality of client devices further receiving one or more trigger messages from the server separately from the broadcast video program, the trigger messages identifying interactive content for display by the client devices during a first time period in response to the one or more trigger messages, each client device including a first recording device coupled to a first local storage medium for recording the broadcast video program and a second recording device coupled to a second local storage medium for recording the trigger messages, the first and second recording devices being respectively configured to retrieve the recorded video program from the first local storage medium and the stored trigger messages from the second local storage medium during a second time period in response to a user command, and play back the retrieved video program and the interactive content identified by the retrieved trigger messages, wherein the playback of the interactive content is at one or more times during the retrieved video program when the interactive content would have been displayed when the video program was broadcast during the first time period, and wherein the PIR is configured to store a correct answer, and

responsive to an answer received from a user during playback, the PIR is configured to provide to the user an indication of a correct or incorrect answer.

31. (Previously Presented) The system of claim 30, wherein the first local storage medium is the same as the second local storage medium.

32. (Previously Presented) The system of claim 30, wherein the first recording device is the same as the second recording device.

33. (Previously Presented) The system of claim 30 further comprising:
a user input device coupled to each client device for transmitting a video control message to the first and second recording devices, the first and second recording devices being configured to separately perform a corresponding action on respectively the video program and interactive content in response to the video control message.

34. (Previously Presented) The system of claim 33, wherein the video control message is a message selected from a group consisting of fast forwarding, rewinding, and pausing.

35. (Previously Presented) The system of claim 30, wherein the interactive content provided during the first and second time periods is not targeted interactive content that is based on individualized viewer profile information.

36. (Previously Presented) The method of claim 1, wherein the PIR is invoked for forwarding and rewinding the stored interactive content.

37. (Previously Presented) The method of claim 1 further comprising:
receiving a user interaction from the particular one of the devices during playback of the interactive content, wherein the interactive content is a poll question and the user interaction is a response to the poll question, wherein the poll response transmitted during

Art Unit: 2457

the playback of the interactive content is ignored by the server system in calculating a poll result.

38-41. (Cancelled)

42. (Previously Presented) The method of claim 1, wherein the broadcast event is broadcast of a video program that contains no embedded triggers associated with the interactive content.

43. (Previously Presented) The method of claim 42, wherein the interactive content is transmitted by the server system over a wide area network concurrently with the video program, wherein the interactive content is synchronized with the video program.

44. (Previously Presented) The system of claim 30, wherein the first recording device recording the video program is a personal video recorder (PVR) engine and the second recording device recording the interactive data is a personal interactivity recorder (PIR) engine separate from the PVR engine for recording the trigger messages separately from the video program.

45. (Cancelled)

46. (Previously Presented) The system of claim 1, wherein the stored trigger messages include information associating the interactive content to the broadcast event.

47. (Previously Presented) The system of claim 46, wherein the information is a video frame marker.

48. (New) A system for use with a local storage device at a remote viewer location for storing and playing back interactive content along with playback of a broadcast event, the system including:

a data store;

a personal interactivity recorder (PIR) at the remote viewer location, the PIR being configured to receive one or more trigger messages from a server separately from a broadcast of a broadcast event and not embedded in a broadcast signal broadcasting the broadcast event, the trigger messages identifying interactive content for display by the client devices during a first time period in response to the one or more trigger messages, the interactive content being related to the broadcast event, the PIR associating the received trigger messages to the broadcast event and storing the associated trigger message in the data store, wherein when the broadcast event is played back from storage, the PIR retrieves the stored trigger messages from the data store and provides the interactive content identified by the retrieved trigger messages during times within the stored broadcast event when the interactive content would have been displayed when the broadcast event was broadcast, and wherein the interactive content includes trivia questions, the PIR is configured to store a correct answer, and responsive to an answer received from a user during playback, the PIR is configured to provide to the user an indication of a correct or incorrect answer.

49. (New) An interactive television system for storing and playing back an enhanced video program, the system including:

a broadcast device for broadcasting a video program during a first time period, the video program being associated with interactive data for displaying interactive content during the first time period; and

a plurality of client devices at a plurality of end-user locations, each of the plurality of client devices coupled to the broadcast device over a data communications network and receiving the broadcast video program via a broadcast signal, the plurality of client devices further receiving one or more trigger messages from the server separately from the broadcast video program, the trigger messages identifying interactive content for

display by the client devices during a first time period in response to the one or more trigger messages, each client device including a first recording device coupled to a first local storage medium for recording the broadcast video program and a second recording device coupled to a second local storage medium for recording the trigger messages, the first and second recording devices being respectively configured to retrieve the recorded video program from the first local storage medium and the stored trigger messages from the second local storage medium during a second time period in response to a user command, and play back the retrieved video program and the interactive content identified by the retrieved trigger messages, wherein the playback of the interactive content is at one or more times during the retrieved video program when the interactive content would have been displayed when the video program was broadcast during the first time period, and wherein the interactive content includes poll questions, the PIR is configured to store poll results, and responsive to a response to one of the poll questions received from a user, the PIR is configured to provide the poll results after receiving the response to the poll question from the user.

Reason for Allowance

4. The following is an examiner's statement of reasons for allowance: Prior art of record fails to teach a combination of elements, as appeared in the independent claims 1, 30 and 48, including the interactive content includes trivia questions, wherein the PIR stores the correct answer, and wherein, responsive to an answer received from a user during playback, the PIR provides to the user an indication of a correct or incorrect answer. Moreover, prior art of record fails to teach a combination of elements, as appeared in the independent claims 5, 13 and 5, the interactive content including poll questions, the PIR stores poll results and responsive to a response to the poll received from a user, the PIR provides poll results after receiving the response to the poll questions from the user.

Art Unit: 2457

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Examiner's Amendment."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (571) 272-4003. The examiner can normally be reached on M-F from 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sahera Halim
Patent Examiner

/ARIO ETIENNE/

Art Unit: 2457

Supervisory Patent Examiner, Art Unit 2457